

AMENDED IN ASSEMBLY APRIL 10, 2007

AMENDED IN ASSEMBLY MARCH 22, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

## ASSEMBLY BILL

**No. 64**

---

**Introduced by Assembly Member Berg**

**(Coauthors: Assembly Members Beall, De Leon, DeVore, Huffman, Horton, Jeffries, Jones, Krekorian, Niello, Portantino, Richardson, and Wolk)**

December 4, 2006

---

An act to add Article 7.7 (commencing with Section 8599.5) to Chapter 7 of Division 1 of Title 2 of the Government Code, relating to volunteer emergency services.

### LEGISLATIVE COUNSEL'S DIGEST

AB 64, as amended, Berg. Uniform Emergency Volunteer Health Practitioners Act.

Existing law establishes the Emergency Medical Services Authority, in the Health and Welfare Agency, to establish planning and implementation guidelines for emergency medical service systems, as specified. The guidelines are required to address, among other things, disaster response, and the authority is required to provide technical assistance to existing agencies, counties, and cities for the purpose of developing the components of emergency medical services systems. The authority is required to adopt rules and regulations, approved by the Commission on Emergency Medical Services, in order to carry out its duties.

This bill would enact the Uniform Emergency Volunteer Health Practitioners Act, which would provide procedures to register volunteer

health practitioners with valid and current licenses in other states. The bill would allow such a volunteer to ~~practice~~ *provide in this state*, through a host entity, health or veterinary services as appropriate pursuant to his or her license for the duration of a state ~~or~~, local *or health emergency or a state of war*, and would require a host entity in this state to consult and coordinate its activities with the Emergency Medical Services Authority to the extent practicable.

This bill would set forth certain scope of practice standards for a registered volunteer health practitioner during an emergency and would allow the Emergency Medical Services Authority and applicable licensing boards to limit, restrict, or otherwise regulate specific aspects of practice. The bill would also permit a host entity to restrict the health or veterinary services that such a practitioner may provide. The bill would exempt a registered volunteer health practitioner from the unauthorized practice provisions for a health or veterinary service unless he or she has reason to know of an applicable limitation, modification, or restriction or that a similarly licensed practitioner in this state would not be permitted to provide that service. The bill would allow a health care licensing board to impose administrative sanctions upon a health practitioner licensed in this state for conduct outside of this state in response to an out-of-state emergency, and to impose administrative sanctions upon a practitioner not licensed in this state for conduct in this state in response to an in-state emergency, if certain conditions are met. The bill would authorize the authority to promulgate rules, after approval by the Commission on Emergency Medical Services, in order to implement the provisions of the Uniform Emergency Volunteer Health Practitioners Act.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Article 7.7 (commencing with Section 8599.5)
- 2 is added to Chapter 7 of Division 1 of Title 2 of the Government
- 3 Code, to read:

1 Article 7.7. Uniform Emergency Volunteer Health Practitioners  
2 Act

3  
4 8599.5. This article may be cited as the Uniform Emergency  
5 Volunteer Health Practitioners Act.

6 8599.51. For the purposes of this article, the following terms  
7 have the following meanings:

8 (a) “Disaster relief organization” means an entity that provides  
9 emergency or disaster relief services that include health or  
10 veterinary services provided by volunteer health practitioners and  
11 that meets either of the following requirements:

12 (1) It is designated or recognized as a provider of those services  
13 pursuant to a disaster response and recovery plan adopted by an  
14 agency of the federal government or the Emergency Medical  
15 Services Authority.

16 (2) It regularly plans and conducts its activities in coordination  
17 with an agency of the federal government or the Emergency  
18 Medical Services Authority.

19 (b) “Emergency” means an event or condition that is a state of  
20 emergency proclaimed pursuant to Section 8588 or 8625, a local  
21 emergency proclaimed pursuant to Section 8630, a health  
22 emergency proclaimed pursuant to Section 101080 of the Health  
23 and Safety Code, or a state of war.

24 (c) “Emergency declaration” means a proclamation of  
25 emergency issued pursuant to Section 8588, 8625, or 8630, a  
26 declaration of health emergency pursuant to Section 101080 of  
27 the Health and Safety Code, or a declaration of war by the President  
28 of the United States.

29 (d) “Emergency Management Assistance Compact” means the  
30 interstate compact approved by Congress by Public Law No.  
31 104-321 and ratified in Article 3.7 (commencing with Section 179)  
32 of Chapter 1 of Division 1 of Title 1.

33 (e) “Entity” means a person other than an individual.

34 (f) “Health facility” means an entity licensed under the laws of  
35 this or another state to provide health or veterinary services.

36 (g) “Health practitioner” means an individual licensed under  
37 the laws of this or another state to provide health or veterinary  
38 services.

39 (h) “Health services” means the provision of treatment, care,  
40 advice, or guidance, or other services, or supplies, related to the

1 health or death of individuals or human populations, to the extent  
2 necessary to respond to an emergency, including all of the  
3 following:

4 (1) Services or supplies concerning the physical or mental  
5 condition or functional status of an individual or affecting the  
6 structure or function of the body, including the following:

7 (A) Preventive, diagnostic, therapeutic, rehabilitative,  
8 maintenance, or palliative care.

9 (B) Counseling, assessment, procedures, or other services.

10 (2) The sale or dispensing of a drug, a device, equipment, or  
11 another item to an individual in accordance with a prescription.

12 (3) Funeral, cremation, cemetery, or other mortuary services.

13 (i) “Host entity” means an entity operating in this state that uses  
14 volunteer health practitioners to respond to an emergency.

15 (j) “License” means authorization by a state to engage in health  
16 or veterinary services that are unlawful without the authorization.  
17 The term includes authorization under the laws of California to  
18 provide health or veterinary services based upon a national  
19 certification issued by a public or private entity.

20 (k) “Person” means an individual, corporation, business trust,  
21 trust, partnership, limited liability company, association, joint  
22 venture, public corporation, government or governmental  
23 subdivision, agency, or instrumentality, or any other legal or  
24 commercial entity.

25 (l) “Scope of practice” means the extent of the authorization to  
26 provide health or veterinary services granted to a health practitioner  
27 by a license issued to the practitioner in the state in which the  
28 principal part of the practitioner’s services are rendered, including  
29 any conditions imposed by the licensing authority in that state.

30 (m) “State” means a state of the United States, the District of  
31 Columbia, Puerto Rico, the United States Virgin Islands, or any  
32 territory or insular possession subject to the jurisdiction of the  
33 United States.

34 (n) “Veterinary services” means the provision of treatment,  
35 care, advice or guidance, or other services or supplies, related to  
36 the health or death of an animal or to animal populations, to the  
37 extent necessary to respond to an emergency, including all of the  
38 following:

39 (1) Diagnosis, treatment, or prevention of an animal disease,  
40 injury, or other physical or mental condition by the prescription,

1 administration, or dispensing of vaccine, medicine, surgery, or  
2 therapy.

3 (2) Use of a procedure for reproductive management.

4 (3) Monitoring and treatment of animal populations for diseases  
5 that have spread or demonstrate the potential to spread to humans.

6 (o) “Volunteer health practitioner” means a health practitioner  
7 who provides health or veterinary services, whether or not the  
8 practitioner receives compensation for those services. “Volunteer  
9 health practitioner” does not include a practitioner who receives  
10 compensation pursuant to a preexisting employment relationship  
11 with a host entity or affiliate that requires the practitioner to provide  
12 health services in this state, unless the practitioner is not a resident  
13 of this state and is employed by a disaster relief organization  
14 providing services in this state while an emergency declaration is  
15 in effect.

16 8599.52. This article applies to volunteer health practitioners  
17 registered with a registration system that complies with Section  
18 8599.54 and who provide health or veterinary services in this state  
19 for a host entity while an emergency declaration is in effect.

20 8599.53. (a) While an emergency declaration is in effect, the  
21 Emergency Medical Services Authority may limit, restrict, or  
22 otherwise regulate all of the following:

23 (1) The duration of practice by volunteer health practitioners.

24 (2) The geographical areas in which volunteer health  
25 practitioners may practice.

26 (3) The types of volunteer health practitioners who may practice.

27 (4) Any other matters necessary to coordinate effectively the  
28 provision of health or veterinary services during the emergency.

29 (b) An order issued pursuant to subdivision (a) may take effect  
30 immediately, without prior notice or comment, and is not a  
31 regulation within the meaning of the Administrative Procedure  
32 Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of  
33 Division 3).

34 (c) A host entity that uses volunteer health practitioners to  
35 provide health or veterinary services in this state shall do both of  
36 the following:

37 (1) Consult and coordinate its activities with the Emergency  
38 Medical Services Authority to the extent practicable to provide  
39 for the efficient and effective use of volunteer health practitioners.

(2) Comply with any laws other than this article relating to the management of emergency health or veterinary services.

8599.54. (a) To qualify as a volunteer health practitioner registration system, a system must do all of the following:

(1) Accept applications for the registration of volunteer health practitioners before or during an emergency.

(2) Include information about the licensure and good standing of health practitioners that is accessible by authorized persons.

(3) Be capable of ~~confirming~~ *supplying sufficient information about registered volunteer health practitioners to the Emergency Medical Services Authority, or a similar designated agency, in order to allow that authority or agency to confirm* the accuracy of information concerning whether a health practitioner is licensed and in good standing before health services or veterinary services are provided under this article.

(4) Meet at least one of the following conditions:

(A) Be an emergency system for advance registration of volunteer health care practitioners established by a state and funded through the Health Resources Services Administration under Section 319I of the Public Health Services Act (42 U.S.C. Sec. 247d-7b).

(B) Be a local unit consisting of trained and equipped emergency response, public health, and medical personnel formed pursuant to Section 2801 of the Public Health Services Act (42 U.S.C. Sec. 300hh).

(C) Be operated by one of the following:

(i) A disaster relief organization.

(ii) A licensing board or bureau established pursuant to Division 2 (commencing with Section 500) of, or Chapter 12 (commencing with Section 7600) of Division 3 of, the Business and Professions Code.

(iii) A national, *state*, or regional association of licensing boards or health practitioners.

(iv) A health facility that provides comprehensive inpatient and outpatient health care services, including a tertiary care and teaching hospital.

(v) A governmental entity.

(D) Be designated by the Emergency Medical Services Authority as a registration system for purposes of this article.

1 (b) While an emergency declaration is in effect, the Emergency  
2 Medical Services Authority, a person authorized to act on behalf  
3 of the authority, or a host entity may confirm whether volunteer  
4 health practitioners utilized in this state are registered with a  
5 registration system that complies with subdivision (a).  
6 Confirmation is limited to obtaining identities of the practitioners  
7 from the system and determining whether the system indicates that  
8 the practitioners are licensed and in good standing.

9 (c) Upon request of a person in this state authorized to manage  
10 the emergency response, or a similarly authorized person in another  
11 state, a registration system located in this state shall notify the  
12 person of the identities of volunteer health practitioners and  
13 whether the practitioners are licensed and in good standing.

14 (d) A host entity is not required to use the services of a volunteer  
15 health practitioner even if the practitioner is registered with a  
16 registration system that indicates that the practitioner is licensed  
17 and in good standing.

18 8599.55. (a) While an emergency declaration is in effect, a  
19 volunteer health practitioner, registered with a registration system  
20 that complies with Section 8599.54 and licensed and in good  
21 standing in the state in which the practitioner's registration is based,  
22 may practice in this state to the extent authorized by this article as  
23 if the practitioner were licensed in this state.

24 (b) A volunteer health practitioner qualified under subdivision  
25 (a) is not entitled to the protections of this article if the practitioner  
26 is licensed in more than one state and any license of the practitioner  
27 is suspended, revoked, or subject to an order limiting or restricting  
28 practice privileges, or has been voluntarily terminated under threat  
29 of sanction.

30 (c) *Nothing in this article is intended to modify the licensing*  
31 *requirements imposed on any health practitioner by licensing or*  
32 *regulatory provisions contained in Division 2 (commencing with*  
33 *Section 500) of the Business and Professions Code or by any other*  
34 *laws or regulations of this state, in the absence of an emergency*  
35 *declaration, as that term is defined in subdivision (c) of Section*  
36 *8599.51.*

37 8599.56. (a) For purposes of this section, the following terms  
38 have the following meanings:

(1) “Credentialing” means obtaining, verifying, and assessing the qualifications of a health practitioner to provide treatment, care, or services in or for a health facility.

(2) “Privileging” means the authorizing by an appropriate authority, such as a governing body, of a health practitioner to provide specific treatment, care, or services at a health facility subject to limits based on factors that include license, education, training, experience, competence, health status, and specialized skill.

(b) This article does not affect credentialing or privileging standards of a health facility and does not preclude a health facility from waiving or modifying those standards while an emergency declaration is in effect.

8599.57. (a) Subject to subdivisions (b) and (c), a volunteer health practitioner shall adhere to the scope of practice for a similarly licensed practitioner established by the licensing provisions, practice acts, or other laws of this state.

(b) Except as otherwise provided in subdivision (c), this article does not authorize a volunteer health practitioner to provide services that are outside the practitioner’s scope of practice, even if a similarly licensed practitioner in this state would be permitted to provide the services.

(c) The applicable licensing board or bureau may modify or restrict the health services or veterinary services regulated by that body that volunteer health practitioners may provide pursuant to this article. An order under this subdivision may take effect immediately, without prior notice or comment, and is not a regulation within the meaning of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3).

(d) A host entity may restrict the health or veterinary services that a volunteer health practitioner may provide pursuant to this article.

(e) A volunteer health practitioner shall not be found to have engaged in unauthorized practice unless the practitioner has reason to know of any limitation, modification, or restriction under this section or that a similarly licensed practitioner in this state would not be permitted to provide the services. A volunteer health practitioner has reason to know of a limitation, modification, or



1 restriction or that a similarly licensed practitioner in this state  
2 would not be permitted to provide a service if either:

3 (1) The practitioner knows the limitation, modification, or  
4 restriction exists or that a similarly licensed practitioner in this  
5 state would not be permitted to provide the service.

6 (2) From all the facts and circumstances known to the  
7 practitioner at the relevant time, a reasonable person would  
8 conclude that the limitation, modification, or restriction exists or  
9 that a similarly licensed practitioner in this state would not be  
10 permitted to provide the service.

11 (f) In addition to the authority granted by the laws of this state,  
12 other than this article, to regulate the conduct of health  
13 practitioners, a licensing board or other disciplinary authority in  
14 this state has the following powers and duties:

15 (1) It may impose administrative sanctions upon a health  
16 practitioner licensed in this state for conduct outside of this state  
17 in response to an out-of-state emergency.

18 (2) It may impose administrative sanctions upon a practitioner  
19 not licensed in this state for conduct in this state in response to an  
20 in-state emergency.

21 (3) It shall report any administrative sanctions imposed upon a  
22 practitioner licensed in another state to the appropriate licensing  
23 board or other disciplinary authority in any other state in which  
24 the practitioner is known to be licensed.

25 (g) In determining whether to impose administrative sanctions  
26 under subdivision (f), a licensing board or other disciplinary  
27 authority shall consider the circumstances in which the conduct  
28 took place, including any exigent circumstances, and the  
29 practitioner's scope of practice, education, training, experience,  
30 and specialized skill.

31 8599.58. This article does not limit rights, privileges, or  
32 immunities provided to volunteer health practitioners by laws other  
33 than this article.

34 8599.6. The Emergency Medical Services Authority may  
35 promulgate rules, after approval by the Commission on Emergency  
36 Medical Services, to implement this article. In doing so, the  
37 authority shall consult with and consider the recommendations of  
38 the entity established to coordinate the implementation of the  
39 Emergency Management Assistance Compact and shall also consult  
40 with and consider rules promulgated by similarly empowered

1 agencies in other states to promote uniformity of application of  
2 this article and make the emergency response systems in the various  
3 states reasonably compatible  
4 8599.61. In applying and construing this article, consideration  
5 shall be given to the need to promote uniformity of the law with  
6 respect to its subject matter among states that enact it.

O